



Fish & Richardson P.C.
222 Delaware Avenue
17th Floor
P.O. Box 1114
Wilmington, DE 19899-1114
302 652 5070 main
302 652 0607 fax

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December 5, 2016

Martina Tyreus
Hufnal
Principal
hufnal@fr.com
302 778 8471 direct

The Honorable Leonard P. Stark
U.S. District Court for the District
of Delaware
844 North King Street, Unit 28
Wilmington, DE 19801

Re: *Idenix Pharmaceuticals, Inc., et al. v. Gilead Sciences, Inc., et al.*
C.A. No. 14-846-LPS-CJB

Dear Chief Judge Stark:

I write on behalf of the parties to advise the Court of the progress the parties have made with respect to previously-raised objections as filed and argued in Court today:

- **Stuyver (D.I. 493):** Gilead is dropping Issue #1; otherwise Gilead presses its objections as briefed and argued.
- **Otto (D.I. 491):** Idenix is withdrawing the exhibit identified in Issue #1 (PX-2116; 30b6 notice); otherwise Gilead presses its objections as briefed and argued.
- **Price (D.I. 494):** Gilead presses the objection in Issue #1. Otherwise, all objections are resolved (i.e. the testimony comes in) because Idenix agreed to remove the material regarding the tax fraud issue at 65:19 through 66:03 and 109:24 (after “Yes”) through 110:2 and to redact the discussion of the tax fraud issue from exhibit PX-1135b.
- **Schinazi:** No resolution.
- **Schinazi FRE 608 issue:** Gilead would direct the Court to the *Norman v. Elkin* case cited in our opposition to Idenix’s motion *in limine* #3, C.A. No. 06-005-LPS, 2014 WL 556081, at *4 n.2 (D. Del. Feb. 10, 2014) (quoting *U.S. v. White*, 692 F.3d 235, 248 (2nd Cir. 2012)). Idenix would direct the court to the following authority:



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- FRCP 32; FRE 806, 608
- *Caso v. Luzerne Cty.*, No. 3:13-CV-02253, 2015 WL 4877817, at *3 (M.D. Pa. Aug. 13, 2015)
- *Carter v. Hewitt*, 617 F.2d 961, 969 (3d Cir. 1980)
- *United States v. Noble*, 754 F.2d 1324, 1331 (7th Cir. 1985)
- *United States v. Marzook*, 435 F. Supp. 2d 708, 752-53 (N.D. Ill. 2006)
- *E.E.O.C. v. FLC & Bros. Rebel*, 846 F.2d 70 (4th Cir. 1988)

Respectfully,

/s/ Martina Tyreus Hufnal

Martina Tyreus Hufnal (#4771)

MTT:pfc

cc: All Counsel of Record – via e-filing